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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,227	07/09/2001	Vipul Bansal	JP920010123US1	6227

29154 7590 04/02/2008

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EXAMINER
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DASS, HARISH T

ART UNIT	PAPER NUMBER
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3692

MAIL DATE	DELIVERY MODE
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04/02/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/901,227	<b>Applicant(s)</b> BANSAL ET AL.	
	<b>Examiner</b> Harish T. Dass	<b>Art Unit</b> 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 12, 19-27, 55-63, 66, 73-89, 92 and 99-107 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12, 19-27, 55-63, 66, 73-89, 92, 99-107 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/15/2008 has been entered.

### **2. *Status of Claims:***

Claims 1-9, 12, 19-27, 55-63, 66, 73-89, 92 and 99-107 are pending.

Claims 10-11, 13-18, 28-54, 64-65, 67-72, 90-91 and 93-98 are canceled.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9, 12, 19-27, 55-63, 66, 73-89, 92, and 99-107 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The added limitations of independent claims states "when applied to online auctions" and "wherein when applied to online reverse auctions". It is not clear if these conditions are not met, what happened to the remaining process. It stops and exits.

Applicant should claim positives limitation(s) which guarantees the success (utility/repeatability) of the invention. Applicant should make appropriate correction. Similarly the "if" statement renders the claim, if the "if" is not true, what will happens?

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 12, 19-27, 55-63, 66, 73-89, 92, and 99-107 rejected under 35

U.S.C. 103(a) as being unpatentable over Lange (US 6,321,212) in view of Geczy et al.

("Why Firms Use Currency Derivatives" Christopher Geczy; Bernadette A. Minton;

Catherine Schrand; The Journal of Finance, Vol. 52, No. 4. (Sep., 1997), pp. 1323-

1354.) and Hartman et al. (Hartman, Stephen W. ; Qureshi, Anique; Siegel, Joel G

"Online databases: Information available electronically", CPA Journal v67n4 pp: 46-

54, Apr 1997.) hereinafter Hartman.

Re. Claim 1, 55 and 82, Lange discloses online trading of stock, bonds, foreign exchange, derivatives, etc (col. 1 lines 37-46), method, system and product (storage device), (a.) maintaining one or more or the following databases (rational database software such as Oracle's 8i) [Figure 2 (# 267, 264, 265), Figure 4, col. 90 lines 47-50;

col. 92 lines 24-59; also see figure 4 related description, col. 93 lines 43-46 & col. 93 lines 29-33],

(b.) an updated [col. 92 lines 54-59; updating the database is inherent in Lange's system] database [col. 1 lines 34-35; col. 12 lines 62-64 "computerized databases and telecommunications ..." for online trading; col. 90 lines 47-63] of prices *derivatives* associated with goods or services involved in completing said transaction [col. 1 lines 45-56; col. 2 lines 20-51; see commodity price; col. 7 line 63 to col. 8 line 17],

(d.) a database of insurance *derivatives* associated with the risks involved in completing said transaction [col. 1 lines 34-56; col. 2 lines 20-51; see commodity price; col. 7 line 63 to col. 8 line 17; col. 92 line 23],

(e.) a database of counter party risk classification information associated with the activities of said transaction [col. 1 lines 34-56; col. 2 lines 20-51; see commodity price; col. 7 line 63 to col. 8 line 17; col. 92 line 23],

(g.) a database of customized information related to risks at a given point of time for specified transactions [col. 17 lines 32-36; col. 21 lines 53-56 see observed period"],

(i.) determining the costs associated with one or more risk elements by using the data corresponding to the parameters (see adjustable return) of said transaction in conjunction with the requirements of applicable market rules and the information from the said databases [col. 4 lines 22-43; col. 6 line 47-59; col. 49 lines 53-64].

(j.) modifying the data corresponding to the parameters of the said transaction by using the information from the said databases [col. 92 lines 48-53, lines 22-23].

(h.) maintaining an updated [col. 89 lines 42-45; col. 92 lines 54-59] database [Figure 4; col. ] associated with each activity involved in completing said transaction [Figure 4; col. 1 lines 34-56; col. 78 lines 8-25; col. 7 line 63 to col. 8 line 17; col. 78 lines 8-25];

(f.) market rules that govern said negotiations [col. 3 lines 44-50 (supply and demand); col. 62 line 40 to col. 63 line 27, and also see fluctuation foreign exchange rate]; and

wherein, when applied to online auctions between a seller and multiple buyers, a winning bid for desired goods or services in an online auction is selected on a basis of highest risk-adjusted payout to said seller, said highest risk-adjusted payout to said seller is determined by incorporation of an effect of various said derivatives relevant for completion of said transaction related to each bid if said bid is to be selected, and said incorporation of said effect of various said derivatives is by deduction of said costs associated with said risk elements, and

wherein when applied to online reverse auctions (reverse offering of the above auction) between a buyer and multiple sellers, a winning offer for desired goods or service in an online reverse auction is selected on a basis of least risk adjusted cost to said buyer, said least risk-adjusted cost to said buyer is determined by incorporation of an effect of various said derivatives relevant for completion of said transaction related to each sell offer if said sell offer is to be selected, and said incorporation of said effect of various said derivatives is by addition of said costs associated with said risk elements [col. 58 line 47 to col. 59 line 5; col. 4 line 57 to col. 5 line 61; col. 6 line 47 to col. 7 line

18; col. 33 lines 14-15; col. 34 lines; col. 35 lines 10-25; col. 61 lines 7-27 – see locking and books].

Lange does not explicitly disclose an online database; and currency exchange derivatives; and reverse auction.

However, buyer-bidding auction (English auction; e.g., an ascending-price, ebay.com), and seller-bidding auction (reverse auction<sup>1</sup>; e.g., buyer's want ads/RFQ) are well-known, where in buyer-bidding auction the seller get the highest price (payout or gain/loss is the difference between the price-cost to seller) possible and in seller-bidding auction the buyer gets the lowest price (cost) possible.

Geczy discloses currency (foreign) exchange derivatives [total of 15 pages- see at least pages 1323-1325, 1329-1330, 1331 "costs"]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Lange and include currency exchange derivatives as disclosed by Geczy to allow the buyer/seller having a foreign currency exposure to engage in currency derivative to gain from the growth opportunity offered by the currency derivative.

Hartman discloses online database [see all 8 page particularly pages 4-5, 7-8] to improve decision making and analysis, allow management to add value by creating new products and services through information exchange and processing, and improve the bottom line. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Lange and Geczy and include

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<sup>1</sup> See below reference of prior art May (US 2002/0116317 A1).

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online database, as disclosed by Hartman, to improve decision making, analysis and the bottom line.

Re. Claims 2 and 56, Lange discloses a set of said e-commerce transactions that should take place from amongst various possibilities given said effects of uncertainty and said risk factors and a set of said e-commerce transactions that should not take place from amongst various possibilities given said effects of uncertainty and risk factors, the prices to be paid by buyers, amounts to be received by sellers and payments to be made to other service providers, in respective currencies, for said set of said transactions that should take place (col. 1 line 27 to col. 2 line 6; col. 4 line 7 to col. 5 line 6; col. 38 lines 21-28; col. 57 lines 54-61; col. 83 lines 7-15; col. 86 lines 34-67; col. 90 line 64 to col. 91 line 25 – see holding, states and defined states corresponds to a possible state of a selected financial product when each of the termination criteria is fulfilled).

Re. Claims 3, and 57, Lange discloses wherein said price *derivatives* (exotic derivatives) provide contractable rates of identical goods or services derived from the primary goods or services being negotiated at specified future dates (col. 56 lines 15-67 see future and put).

Re. Claims 4, and 58 Lange discloses wherein said currency exchange *derivatives* (foreign currency) provide contractable rates of currency exchange at a specified future



dates (col. 56 lines 15-67 see dollar and yen and options).

Re. Claims 5, and 59 Lange discloses wherein said modification may involve converting amounts from original currencies to amounts in a different currencies using said currency exchange *derivatives* (col. 56 lines 15-67 see dollar and yen)

Re. Claims 6, and 60 Lange discloses wherein said counter party risk classification data includes the estimated uncertainty of the opposite party fulfilling its obligation (col. 4 lines 57 to col. 5 line 15; col. 101 line 55 to col. 102).

Re. Claims 7, and 61 Lange discloses location of controller 100 that has the databases (col. 87 line lines 33-60). However distributed databases are well known where different databases are located on different machines and machines are connected with same communication network or Internet. It would have been obvious at the time the invention was made to a person having ordinary skill in the art that wherein each of the said databases can be located either at the seller end or at the buyer end or may be hosted by a third party, since the infrastructure is connected by communication network and can be used from any off connected station.

Re. Claims 8, and 62 Lange does not explicitly disclose wherein said method is implemented by an online intermediary providing said facilities as a service against a fee of commission. However, fee to service providers are well known and it would have

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been obvious at the time the invention was made to a person having ordinary skill in the art that if a server is maintained by the third party, the third party collect a revenue in form of a fee, which is collected from the user. For example, Internet service provider collect fee from user, similarly, timesharing computer owner collects usage charges from user.

Re. Claims 9, 12, 63, and 66 Lange discloses applied to a transaction between a single buyer and single seller negotiating online (col. 2 lines 35-42 - see counter parties), and applied to two-sided matching markets involving multiple buyers and sellers (col. 20 lines 35-39 – two-way bid or offer) .

Re. Claims 19-20, and 73-74 Lange discloses wherein relevant *derivatives* of said selected bid are booked with said online *derivative* services for completion of said transaction (col. 58 line 47 to col. 59 line 5; col. 4 line 57 to col. 5 line 61; col. 6 line 47 to col. 7 line 18; ), and wherein relevant *derivatives* of said selected bid are booked with said online *derivative* services for completion of said transaction (col. 34 lines; col. 35 lines 10-25; col. 61 lines 7-27 – see locking and books).

Re. Claims 21-27, and 75-81, Lange discloses displaying information to user (col. 14 lines 9-13; col. 96 line 61 to col. 97 line 13 – see display), similarly Lange discloses wherein the sell orders resident in the database are shown to a potential buyer after online addition of said computed costs associated with risk elements to the price quoted

by seller for each of the sell orders in response to request for such information in a two-sided matching market and online incorporation of values of applicable *derivatives*, wherein the buy orders resident in the database are shown to a potential seller after online deduction of said computed costs associated with risk elements from the price quoted by buyer for each of the sell orders in response to request for such information in a two-sided matching market and online incorporation of values of applicable *derivatives*, wherein the resident sell orders are prioritized for matching an incoming buy order in the increasing order of the net cost computed by addition of said computed costs associated with risk elements to the price quoted by seller for each of the sell orders in a two-sided matching market and online incorporation of values of applicable *derivatives*, wherein the resident buy orders are prioritized for matching an incoming sell order in the decreasing order of the net price computed by deduction of said computed costs associated with risk elements to the price quoted by buyer for each of the buy orders in a two-sided matching market and online incorporation of values of applicable *derivatives* (col. 58 line 47 to col. 59 line 5; col. 4 line 57 to col. 5 line 61; col. 6 line 47 to col. 7 line 18; ), and wherein relevant *derivatives* for the said transactions are booked with said online *derivative* services for completion of said transactions (col. 34 lines; col. 35 lines 10-25; col. 61 lines 7-27 – see locking and books). Lange does not explicitly disclose wherein a minimum required qualifying bid amount is communicated to a potential bidder in response to request for the information about the current status of the auctions, and wherein a maximum allowable offer amount is communicated to a potential seller in response to request for the information about the current status of the

reverse auctions. However, online auctions are well known, where the result and current price of the auction item is displayed on the computer screen to allow the bidders (offers) make their decision and response to the auction accordingly. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of Lange and include displaying (transmitting information) information for minimum required qualifying bid amount and a maximum allowable offer amount to allow the bidders (offers) make their decision and response to the auction accordingly.

Re. Claims 83-89, 92, 99-107 are rejected with same rational as their parallel claims 2-9, 12, 19-27.

#### ***Response to Arguments***

4. Applicant's arguments filed 2/15/208 with respect to the pending claims have been fully considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

US 2002/0116317 A1 (May) discloses an anonymous trading system which enables derivative dealers to setup credit preferences based upon their own models and provides counterparties, end-users and dealers with the option of choosing to

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remain anonymous during a derivative trading bidding process and methods for the reverse auction of financial instruments such as derivatives.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abdi Kambiz can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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